IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 10118 of 2005

Between:

M/s Keeravani Wines, Kothapally, Rep. By G. Tirupathi, S/o Kumaraiah, 38 years, Business, Karimnagar District.

….. PETITIONER

AND

1. The Prohibition and Excise Superintendent, Karimnagar, Karimnagar District.

2. The Commissioner of Prohibition and Excise, Government of Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in nature of Writ of Mandamus directing the respondents to permit the petitioner to continue to run his IL 24 retail licence shop as per the licensee fees already received by 31.3.2005 without insisting to pay differential licensee fee consequent on formation of Karimanagar Municipal Corporation, by holding the action of the respondents in demanding to pay differential licensee fee and closing the petitioner's shop without issuing any orders as per rules is as illegal, arbitrary, discriminatory and opposed to all principles of equity, justice and fair play and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.CH.JAGANNADHA RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following :

ORAL ORDER:

Petitioner seeks a direction to the respondents to permit him to continue to run his IL 24 retail licence shop as per the licensee fees already received by 31.3.2005 without insisting to pay differential licensee fee consequent on formation of Karimanagar Municipal Corporation, by holding the action of the respondents in demanding to pay differential licensee fee and closing the petitioner's shop without issuing any orders as per rules is as illegal.

The learned Government Pleader for Proh. & Excise submits that the shops are running and they are not closed at the instance of the first respondent, as alleged by the petitioner.

However, in view of the facts and circumstances of the case and also keeping in view the submission made by the learned Government Pleader, I deem it appropriate to direct the respondents to issue a demand notice with regard to the differential amount. However, if the amount is not paid as specified in the notice, then only the respondents are entitled to take action in accordance with law.

Therefore, with the above observations, the writ petition is allowed at the stage of admission with a direction to the respondents not to interfere with the business of the petitioner. No order as to costs.

29-04-2005

Note:

Issue operative portion of the

Order on wire at party’s cost.

B/0 Kvsn.

To

1. The Prohibition and Excise Superintendent, Karimnagar, Karimnagar District.

2. The Commissioner of Prohibition and Excise, Government of Andhra Pradesh, Hyderabad.

3. Two CCs to GP for Proh. & Excise, High Court buildings, Hyderabad.

4. Two CD copies.